

**REMARKS**

In accordance with the foregoing, claims 1, 7, and 17 have been amended, claims 3-6, 11-16, 19, and 23-47 have been cancelled without prejudice or disclaimer, and claims 1-2, 7-10, 17-18, and 20-22 are pending and under consideration. No new matter is presented in this Amendment.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1, 2, 17, 18, 21 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Ogihara (U.S. Patent Publication 2002/0075780).

**Claims 1-2**

Claim 1 has been amended to incorporate the features of claim 3 and now recites the operation of “discerning a type of the one writable disc from the plurality of types of writable discs using a ratio of an amplitude of a wobble signal detected while controlling the focus to a sum signal of signals detected by a photodiode in the pickup unit to discern the type of the one writable disc.” As the Examiner indicated on page 10 of the Office Action, none of the references of record, alone or in combination, disclose or suggest this recited limitation. Accordingly, it is respectfully submitted that claim 1 is patentable for at least this reason.

Claim 2 depends on claim 1. Accordingly, it is respectfully submitted that claim 2 is patentable for at least the same reasons as claim 1.

**Claims 17, 18, 21, and 22**

Claim 17 has been amended to incorporate the feature of claim 19 and now recites “a discriminator that uses a ratio of an amplitude of a wobble signal detected while in the on-focus state to a sum signal of signals detected by a photodiode in the pickup unit to determine a type of the one writable disc differentiated from the plurality of types of writable discs.” As the Examiner indicated on page 10 of the Office Action, none of the references of record, alone or in combination, disclose or suggest this recited limitation. Accordingly, it is respectfully submitted that claim 17 is patentable for at least this reason.

Claims 18, 21 and 22 each depend on claim 17. Accordingly, it is respectfully submitted that claims 18, 21 and 22 are patentable for at least the same reasons as claim 17 is patentable.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 7, 9, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ogihara (U.S. Patent Publication 2002/0075780) in view of Yamamoto et al (U.S. Patent Publication 2002/0126607).

**Claims 7, 9, and 10**

Claim 7 has been amended to incorporate the features of claim 11 and now recites the operation of “comparing a ratio of the amplitude of the wobble signal to a sum signal of signals detected by a photodiode in the pickup unit with an amplitude of a reference wobble signal to obtain a comparison result.” As the Examiner indicated on page 10 of the Office Action, none of the references of record, alone or in combination, disclose or suggest this recited limitation. Accordingly, it is respectfully submitted that claim 7 is patentable for at least this reason.

Claims 9 and 10 depend on claim 7. Accordingly, it is respectfully submitted that claims 9 and 10 are patentable for at least the same reasons that claim 7 is patentable.

**Claim 8**

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ogihara (U.S. Patent Publication 2002/0075780) in view of Yamamoto et al (U.S. Patent Publication 2002/0126607 as applied to claim 7, and further in view of Kawashima et al. (U.S. Patent Publication 2002/0051412).

Claim 8 depends on claim 7. Accordingly, it is respectfully submitted that claim 8 is patentable for at least the same reason that claim 7 is patentable.

**Claim 20**

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ogihara (U.S. Patent Publication 2002/0075780) in view of Kawashima et al. (U.S. Patent Publication 2002/0051412).

Claim 20 depends on claim 17. Accordingly, it is respectfully submitted that claim 20 is patentable for at least the same reason that claim 17 is patentable.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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